

against an administrator to bind assets which are or have been in hand, or shall arise in future, and subject to the judgment, was a judgment to bind assets *in futuro*, and a *scire facias* must issue before execution, suggesting arrests, if any had come to or were in the hands of the administrator, *State v. Goldsborough*, 1 H. & J. 101.

In *Salmon v. Yates*, 1 H. & J. 488, it was declared, with regard to the stay mentioned in the Act of 1778, ch. 21, that the law was explicit that the stay *must be entered on the docket, &c.*, to warrant an execution without a *scire facias* after a year and a day, and any other agreement would not serve the purpose. So in *Miles v. Knott supra*, the Court held, that as the **151** Act of 1823, ch. 194, gives three years *from the date of the judgment within which to issue execution, the three years could not be reckoned from the expiration of a stay thereon. But this, as will have been observed as to such stays of execution as are mentioned therein, is now altered by the Act of 1862, ch. 262.²² The judgment notwithstanding a stay of any kind is a lien during the stay, *Anderson v. Tydings*, 8 Md. 427. And if execution is levied in time on lands and stayed by injunction, upon its dissolution nothing is necessary but a *vendi exponas* to the sheriff, for the lands are *in custodia legis*, and the death of the plaintiff interposes no obstacle to the sheriff proceeding against the lands in the possession of a subsequent alienee, *Boyd v. Harris*, 1 Md. Ch. Dec. 446. Lastly, the Act of 1862, ch. 262,²³ also changes, in some degree, the law as laid down in *Campbell v. Booth*, 8 Md. 107, and *Booth v. Campbell*, 15 Md. 569, that an outstanding execution is a good plea to a *scire facias*, not because it is a satisfaction but because the plaintiff is not entitled to two executions at once; *sed quære*.

²² But under the present law, the period of the stay is included in the twelve years. Code 1911, Art. 26, sec. 20; *Poe's Practice*, sec. 646.

²³ Code 1911, Art. 26, sec. 20.